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#### §1404.14 Conduct of hearings.

All proceedings conducted by the arbitrator shall be in conformity with the contractual obligations of the parties. The arbitrator is also expected to conduct all proceedings in conformity with §1404.4(b). The conduct of the arbitration proceeding is under the arbitrator's jurisdiction and control and the arbitrator's decision is to be based upon the evidence and testimony presented at the hearing or otherwise incorporated in the record of the proceeding. The arbitrator may, unless prohibited by law, proceed in the absence of any party who, after due notice, fails to be present or to obtain a postponement. An award rendered in an ex parte proceeding of this nature must be based upon evidence presented to the arbitrator.

# §1404.15 Decision and award.

(a) Arbitrators are encouraged to render awards not later than 60 days from the date of the closing of the record as determined by the arbitrator, unless otherwise agreed upon by the parties or specified by law. A failure to render timely awards reflects upon the performance of an arbitrator and may lead to his removal from the FMCS roster.

(b) The parties should inform the OAS whenever a decision is unduly delayed. The arbitrator shall notify the OAS if and when the arbitrator (1) cannot schedule, hear and determine issues promptly, or (2) learns a dispute has been settled by the parties prior to the decision.

(c) After an award has been submitted to the parties, the arbitrator is required to submit a Fee and Award Statement, form R-19 showing a breakdown of the fee and expense charges so that the Service may be in a position to review conformance with stated charges under §1404.12(a). Filing the Statement within 15 days after rendering an award is required of all arbitrators. The Statements are not used for the purpose of compelling payment of fees.

(d) The Service encourages the publication of arbitration awards. However, the Service expects arbitrators it has nominated or appointed not to give publicity to awards they issue if objected to by one of the parties.

[44 FR 13008, Mar. 9, 1979, as amended at 47 FR 9823, Mar. 8, 1982]

# $\S 1404.16$ Fees and charges of arbitrators.

(a) No administrative or filing fee is charged by the Service. The current policy of the Service permits each of its nominees or appointees to charge a per diem fee and other predetermined fees for services, the amount of which has been certified in advance to the Service. Each arbitrator's maximum per diem fee and the existence of other predetermined fees, if any, are set forth on a biographical sketch which is sent to the parties when panels are submitted and are the

controlling fees. The arbitrator shall not change any fee or add charges without giving at least 30 days advance notice to the Serv-

(b) In cases involving unusual amounts of time and expenses relative to pre-hearing and post-hearing administration of a particular case, an administrative charge may be made by the arbitrator.

(c) All charges other than those specified by §1404.16(a) shall be divulged to and agreement obtained by the arbitrator with the parties immediately after appointment.

(d) The Service requests that it be notified of any arbitrator's deviation from the policies expressed herein. However, the Service will not attempt to resolve any fee dispute.

### §1404.17 Reports and biographical sketches.

(a) Arbitrators listed on the Roster shall execute and return all documents, forms and reports required by the Service. They shall also keep the Service informed of changes of address, telephone number, availability, and of any business or other connection or relationship which involves labor-management relations, or which creates or gives the appearance of advocacy as defined §1404.4(c)(1).

(b) The Service may require each arbitrator listed on the Roster to prepare at the time of initial listing, and to revise, biographical information in accordance with a format to be provided by the Service at the time of initial listing or biennial review. Arbitrators may also request revision of biographical information at other times to reflect changes in fees, the existence of additional charges, address, experience and background, or other relevant data. The Service reserves the right to decide and approve the format and content of biographical sketches.

# PART 1405—PART-TIME **EMPLOYMENT**

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AUTHORITY: Pub. L. 95-437, Federal Employees Part-time Career Employment Act of 1978.